

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---------------------|---|--------------------|--------------------------------|
| Applicants: | Baldiga <i>et al.</i> | Conf. No.: | 7054 |
| Serial No.: | 10/634,261 | Art Unit: | 2452 |
| Filing Date: | 08/05/2003 | Examiner: | Whipple, Brian P. |
| Title: | METHOD, SYSTEM AND PROGRAM PRODUCT FOR ASSIGNING DEVICE IDENTIFIERS | Docket No.: | RSW920030052US1 (IBMR-0032) |

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF OF APPELLANTS

This is an appeal from the Final Rejection dated February 6, 2009, rejecting claims 1-20.

This Brief is accompanied by the requisite fee set forth in 37 C.F.R. 1.17 (c).

REAL PARTY IN INTEREST

International Business Machines Corporation is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

As filed, this case included claims 1-20. Claims 1-20 remain pending. Claims 1-20 stand rejected and form the basis of this appeal.

STATUS OF AMENDMENTS

No amendment has been submitted in response to the Final Rejection filed by the Office on February 6, 2009.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention provides a method, system, and program product for assigning device identifiers. A device requests a device identifier from a server. The server obtains the device identifier, marks a status of the device identifier as pending, and sends it to the device. The device sends an acknowledgment back to the server. The server then marks the status of the device identifier as in use and sends a confirmation to the device. The device starts to use the device identifier after receiving the confirmation.

Claim 1 claims a method for assigning a device identifier to a device, the method comprising: receiving a request for the device identifier at a server (see e.g., para. 0029; Fig. 1, item 44; Fig. 2, item A1); obtaining the device identifier, the device identifier being always associated with a same device subsequent to allocation of the device identifier and unique from device identifiers of other devices of the server, that is dynamically created by the server and allocated by the server in response to the request (see e.g., para. 0039-0042, Fig. 1, item 30) and unrelated to a network address, mobile phone number or host name of the device (see e.g., para. 0039; Fig. 7, item 60); marking a status of the device identifier as pending (see e.g., para. 0031,

Fig. 1, item 40); sending the device identifier to the device (see e.g., para. 0029, Fig. 1, item 36; Fig. 2, item A3); marking the status of the device identifier as in use after receiving an acknowledgment from the device (see e.g., para. 0031, Fig. 1, item 40); and sending a confirmation to the device after the acknowledgment is received (see e.g., para. 0029, Fig. 1, item 44, 46; Fig. 2, item A5), wherein the device is a wireless device that does not have a readily accessible device identifier or other communications related information (see e.g., para. 0004).

Claim 10 claims a method of obtaining a device identifier for a device, the method comprising: sending a request for the device identifier to a server (see e.g., para. 0029; Fig. 1, item 44; Fig. 2, item A1), the device identifier being always associated with a same device subsequent to allocation of the device identifier and unique from device identifiers of other devices of the server (see e.g., para. 0039-0042, Fig. 1, item 30) and unrelated to a network address or host name of the device (see e.g., para. Fig. 7, item 60); sending an acknowledgment to the server after receiving the device identifier from the server (see e.g., para. 0029, Fig. 1, item 44, 46; Fig. 2, item A5); and using the device identifier after receiving a confirmation from the server (see e.g., para. 0029, Fig. 1, item 44; Fig. 2, item A8), wherein the device is a wireless device that does not have a readily accessible device identifier or other communications related information (see e.g., para. 0004).

Claim 15 claims a system for assigning a device identifier to a device, the system comprising: an assignment system for managing an assignment of the device identifier at a server (see e.g., para. 0039-0042, Fig. 1, item 30), wherein the assignment system obtains the device identifier in response to a request, the device identifier being always associated with a same device subsequent to allocation of the device identifier (see e.g., para. 0039-0042, , Fig. 1, item 30) and unique from device identifiers of other devices of the server and unrelated to a network

address or host name of the device (see e.g., para. Fig. 7, item 60), marks a status of the device identifier as pending (see e.g., para. 0031, Fig. 1, item 40), and marks the status of the device identifier as in use in response to an acknowledgment of the device identifier from the device (see e.g., para. 0031, Fig. 1, item 40); and a server communication system for sending the device identifier to the device (see e.g., para. 0029, Fig. 1, item 36; Fig. 2, item A3), sending a confirmation to the device after the acknowledgment is received (see e.g., para. 0029, Fig. 1, item 44, 46; Fig. 2, item A5), and for receiving the request and the acknowledgment from the device (see e.g., para. 0029, Fig. 1, item 46; Fig. 2, item A6), wherein the device is a wireless device that does not have a readily accessible device identifier or other communications related information (see e.g., para. 0004).

Claim 18 claims a program product stored on a recordable medium for assigning device identifiers, which when executed comprises: program code for receiving a request for the device identifier at a server (see e.g., para. 0029; Fig. 1, item 44; Fig. 2, item A1); program code for obtaining the device identifier (see e.g., para. 0039-0042, , Fig. 1, item 30), the device identifier being always associated with a same device subsequent to allocation of the device identifier (see e.g., para. 0039-0042, and unique from device identifiers of other devices of the server and unrelated to a network address or host name of the device (see e.g., para. Fig. 7, item 60); program code for marking a status of the device identifier as pending (see e.g., para. 0031, Fig. 1, item 40); program code for sending the device identifier to the device (see e.g., para. 0029, Fig. 1, item 36; Fig. 2, item A3); program code for marking the status of the device identifier as in use after receiving an acknowledgment from the device (see e.g., para. 0031, Fig. 1, item 40); and program code for sending a confirmation to the device after the acknowledgment is received (see e.g., para. 0029, Fig. 1, item 44, 46; Fig. 2, item A5), wherein the device is a wireless device

that does not have a readily accessible device identifier or other communications related information (see e.g., para. 0004).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 4 and 13 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.
2. Claims 1-2, 9-11, 14-16 and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Okano *et al.* (U.S. Patent Pub. No. 2002/0062485 A1), hereafter “Okano,” in view of Aoyama *et al.* (U.S. Patent Pub. No. 2003/0199265 A1), hereafter “Aoyama.”
3. Claims 3-7, 12-13 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Okano in view of Aoyama and further in view of Matsuda (U.S. Patent Pub. No. 2002/0133573 A1), hereafter “Matsuda,” and further in view of Poger (U.S. Patent No. 6,772,420 B1), hereafter “Poger.”

ARGUMENT

1. REJECTION OF CLAIMS 1, 4 AND 13 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

In the above referenced Final Office Action, the Examiner alleges that the claimed invention does not satisfy the written description requirement. Specifically, the Office objects to the alleged use of allegedly negative limitations in the claims, e.g., “unrelated to a network address, mobile phone number or host name of the device.” Applicants respectfully submit that the limitation is not a negative limitation but is rather a positive recitation of the character of the device identifier. This limitation is supported, *inter alia*, by the examples of device identifiers in the DEV ID field in the table of Fig. 7, none of which is related to a network address, mobile

phone number or host name of the respective devices. Accordingly, Applicants respectfully submit that the claims satisfy the written description requirement and request that the Office withdraw its rejections.

2. REJECTION OF CLAIMS 1-2, 9-11, 14-16 AND 18-20 UNDER 35 U.S.C. §103(a), OVER OKANO IN VIEW OF AOYAMA

Appellants respectfully submit that the rejection of claims 1-2, 9-11, 14-16 and 18-20 under 35 U.S.C. 103(a) over Okano in view of Aoyama, Matsuda and/or Poger is defective.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Appellants respectfully submit that the Okano in view of Aoyama, Matsuda and/or Poger references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness. As such, the rejection under 35 U.S.C. §103(a) is defective.

In the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest that the device identifier is dynamically created by the server and allocated by the server in response to the request. In contrast, the references cited by the Office use DHCP (i.e., a protocol that uses a limited number of addresses for a large number of devices) and the addresses are drawn from a pre-existing pool that are not created by the server. The Office states that DHCP dynamically generates one of any number of IP addresses from a pool and prevents duplicate addresses. Even assuming, *inter alia*, this to be the case, DHCP merely

10/634,261 6

allocates addresses from a pre-existing pool and does not dynamically create them at in response to a request from a requesting device. Furthermore, the addresses are reused among various devices and, as such are not always associated with the same device after they have been allocated. Thus, use of DHCP in the references cited by the Office fails to teach or suggest the dynamically creation and allocation of device identifiers in response to a request by a requesting device.

In the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest that the device identifier is unrelated to a network address, mobile phone number or host name of the device. However, the cable box in Okano is assigned a DHCP address. To this extent, the address that is assigned in Okano is a network address. The claimed invention, in contrast, precludes assigning of a network address. Thus, the assignment of the DHCP address in Okano does not teach or suggest the creation and allocation of a device identifier that is unrelated to a network address, mobile phone number or host name of the device.

3. REJECTION OF CLAIMS 3-7, 12-13 AND 17 UNDER 35 U.S.C. §103(a), OVER OKANO IN VIEW OF AOYAMA AND POGER

Appellants initially incorporate the above enumerated arguments. Additionally, in the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest that the correlation data includes a device type that is not the manufacturer and user data. However, none of the references cited by the Office teaches or suggests correlation data provided from a device to the server is used to generate a device identifier for the device, much less that the correlation data that is used in this way includes a device type (e.g., pda, laptop, etc.) that is

not the manufacturer and user data. Thus, the references cited by the Office fail to teach or suggest the correlation data of the claimed invention.

CONCLUSION

In summary, Appellants submit that claims 1-20 are allowable because the cited references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness.

Respectfully submitted,

/Hunter E. Webb/

Hunter E. Webb
Reg. No.: 54,593

Date: July 20, 2009
Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

CLAIMS APPENDIX

Claim Listing:

1. A method for assigning a device identifier to a device, the method comprising:
 - receiving a request for the device identifier at a server;
 - obtaining the device identifier, the device identifier being always associated with a same device subsequent to allocation of the device identifier and unique from device identifiers of other devices of the server, that is dynamically created by the server and allocated by the server in response to the request and unrelated to a network address, mobile phone number or host name of the device;
 - marking a status of the device identifier as pending;
 - sending the device identifier to the device;
 - marking the status of the device identifier as in use after receiving an acknowledgment from the device; and
 - sending a confirmation to the device after the acknowledgment is received,wherein the device is a wireless device that does not have a readily accessible device identifier or other communications related information.

2. The method of claim 1, further comprising:

receiving a second acknowledgment from the device; and

sending a second confirmation to the device.

3. The method of claim 1, further comprising managing a set of device entries at the server, wherein each of the set of device entries includes a device identifier, a status, and correlation data, and wherein the request includes correlation data for the device.

4. The method of claim 3, wherein the correlation data includes a device type that is not the manufacturer and user data.

5. The method of claim 3, wherein each of the set of device entries further includes a timestamp, the method further comprising setting the timestamp when the status is marked as pending.

6. The method of claim 1, wherein the obtaining step includes:

providing correlation data at the server;

generating at least one device identifier based on the correlation data before the request is received;

marking the status of the generated at least one identifier as unused; and

locating one of the at least one device identifier having a status marked as unused after the request is received using the correlation data for the at least one device identifier and correlation data in the request.

7. The method of claim 1, wherein the obtaining step includes generating a device identifier after receiving the request using correlation data in the request.

8. The method of claim 1, further comprising marking the status of the device identifier as unused if the acknowledgment is not received after a time out period.

9. The method of claim 1, further comprising:

reusing the device identifier for another request received from another device after a time out period has elapsed; and

sending a rejection to the device if the acknowledgment is received after the time out period has elapsed.

10. A method of obtaining a device identifier for a device, the method comprising:

sending a request for the device identifier to a server, the device identifier being always associated with a same device subsequent to allocation of the device identifier and unique from device identifiers of other devices of the server and unrelated to a network address or host name of the device;

sending an acknowledgment to the server after receiving the device identifier from the server; and

using the device identifier after receiving a confirmation from the server,

wherein the device is a wireless device that does not have a readily accessible device identifier or other communications related information.

11. The method of claim 10, wherein a timestamp is also received from the server, and wherein the acknowledgment includes the device identifier and the timestamp.

12. The method of claim 10, wherein the request includes correlation data.

13. The method of claim 12, wherein the correlation data includes a device type that is not the manufacturer for the device and user data for a user of the device.

14. The method of claim 10, further comprising sending a second acknowledgment to the server if the confirmation has not been received after a time out period.

15. A system for assigning a device identifier to a device, the system comprising:

an assignment system for managing an assignment of the device identifier at a server, wherein the assignment system obtains the device identifier in response to a request, the device identifier being always associated with a same device subsequent to allocation of the device identifier and unique from device identifiers of other devices of the server and unrelated to a network address or host name of the device, marks a status of the device identifier as pending, and marks the status of the device identifier as in use in response to an acknowledgment of the device identifier from the device; and

a server communication system for sending the device identifier to the device, sending a confirmation to the device after the acknowledgment is received, and for receiving the request and the acknowledgment from the device,

wherein the device is a wireless device that does not have a readily accessible device

identifier or other communications related information.

16. The system of claim 15, further comprising:

a request system for obtaining the device identifier from the server, wherein the request system generates the request and the acknowledgment;

a device communication system for sending the request and the acknowledgment to the server, and for receiving the device identifier and the confirmation from the server; and

an identifier system that uses the device identifier after the confirmation is received.

17. The system of claim 15, further comprising:

a management system for managing a set of device entries, wherein each of the set of device entries includes a unique device identifier, a status, and correlation data, wherein the request includes correlation data for the device; and

a comparison system for obtaining one of the set of device entries based on correlation data for the device.

18. A program product stored on a recordable medium for assigning device identifiers, which when executed comprises:

program code for receiving a request for the device identifier at a server;

program code for obtaining the device identifier, the device identifier being always associated with a same device subsequent to allocation of the device identifier and unique from device identifiers of other devices of the server and unrelated to a network address or host name of the device;

program code for marking a status of the device identifier as pending;
program code for sending the device identifier to the device;
program code for marking the status of the device identifier as in use after receiving an acknowledgment from the device; and
program code for sending a confirmation to the device after the acknowledgment is received,
wherein the device is a wireless device that does not have a readily accessible device identifier or other communications related information.

19. The program product of claim 18, further comprising:

program code for sending the request to the server;
program code for sending the acknowledgment to the server after receiving the device identifier from the server; and
program code for using the device identifier after receiving the confirmation from the server.

20. The program product of claim 18, further comprising:

program code for reusing the device identifier for another request received from another device after a time out period has elapsed; and
program code for sending a rejection to the device if the acknowledgment is received after the time out period has elapsed.

EVIDENCE APPENDIX

No evidence is entered and relied upon in the appeal.

RELATED PROCEEDINGS APPENDIX

No decisions rendered by a court or the Board in any proceeding are identified in the related appeals and interferences section.